

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PREMIER CAPITAL, LLC,)
)

Plaintiff,)
)

v.)
)

BEVERLY JOHNSON PENZELL, d/b/a
Law Office of Kris E. Penzell,)
and BEVERLY JOHNSON PENZELL, as)
Personal Representative of the)
Estate of Kris E. Penzell,)
)

Defendants.)
)

PLAINTIFF'S OPPOSITION TO DEFENDANT
BEVERLY JOHNSON PENZELL'S EMERGENCY
MOTION FOR PROTECTIVE ORDER AND REQUEST FOR SANCTIONS

Plaintiff Premier Capital, LLC ("Premier"), by its attorney, opposes the above-referenced Motion for Protective Order and Request For Sanctions on the following grounds:

1. Counsel for the respective parties have worked together amicably with respect to scheduling matters in the past. In this instance, counsel for plaintiff attempted, unsuccessfully, to finalize deposition scheduling during his vacation (June 15-July 1, 2007), despite intermittent wireless internet and phone access. In addition, counsel has sought to coordinate the schedules of client representatives and plaintiff's expert, Mr. Storfer, in preparing a week of depositions. He apologizes to counsel for defendant for any inconvenience or delay.

2. However, this matter plainly does not warrant judicial relief, whether in the form of a protective order, sanctions, or otherwise. It is a waste of judicial resources and a diversion from working together, without judicial hand-holding, to schedule and complete discovery.

3. The Court should deny the motion and encourage the parties to arrive at a mutually-acceptable schedule immediately (a process already hindered by plaintiff having been made to respond to defendant's inappropriate motion).

PREMIER CAPITAL, LLC

By its attorney,


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